

# Notice of Allowability

Application No.

09/866,878

Examiner

Hoang-Vu A Nguyen-Ba

Applicant(s)

COKER ET AL.

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 6/18/04.
2. ☒ The allowed claim(s) is/are 32-42.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets" ) must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948 ) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 7.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Hoang-Vu "Antony" Nguyen-Ba*

**ANTONY NGUYEN-BA  
PRIMARY EXAMINER**

Hoang-Vu "Antony" Nguyen-Ba  
Primary Examiner  
Art Unit: 2122

*Examiner's Statement of Reason(s) for Allowance*

1. This statement is in response to the Appeal Brief filed June 18, 2004.
2. Per Applicants' request, claims 1-31 have been cancelled.
3. Applicants' arguments filed in the Appeal Brief have been fully considered and are persuasive. Therefore, the finality of the previous Office action is withdrawn.
3. Claims 32-42 are allowed.
4. The following is an examiner's statement of reason for allowance.
5. With respect to the rejection of claims 32-34 under 35 U.S.C. § 102(e) as being anticipated by Rossides, the examiner agrees with Applicants that Rossides' further question such as "What's IBM's phone number for tech support?" cannot be interpreted to be equivalent to the following claimed limitations in claims 32, 33 and 34 respectively:

*a plurality of answer substructures, each substructure  
being identified by an answer substructure identifier,  
specifying an answer anticipated from the respondent in response to question  
substructures containing the answer substructure identifier of the answer substructure, and  
containing a question identifier identifying the next question to be asked of the  
respondent if the specified answer is received from the respondent (see claim 32;  
information uniquely identifying a second question that is to be posed if, when the first  
question is posed, the first answer is given, and information specifying a query that, when executed,  
generates information uniquely identifying a third question to be posed if, when the first question is  
posed, the second answer is given (see claim 33);*

*if the first specified response is identified as matching the received response, posing a second  
question based upon identification by the interaction script of the second question in connection with  
the first specified response and if the second specified response is identified as matching the received  
response: executing a database query specified by the interaction script in connection with the second*

BEST AVAILABLE COPY

*specified response to identify a third question and posing the identified third question (see claim 34).*

Rossides does not specifically teach any specified answer given in response to a second question.

6. With respect to the rejection of claims 35-42 under 35 U.S.C. § 112, first paragraph, the examiner found Applicants' argument persuasive.

7. Further, the prior art of record, taken individually or in combination, fails to teach the limitations as recited in claims 35-42.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu A Nguyen-Ba whose telephone number is (703) 305-0103. The examiner can normally be reached on Tuesday-Friday, 6:00 – 16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

BEST AVAILABLE COPY

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANTONY NGUYEN-BA**  
**PRIMARY EXAMINER**

Art Unit 2122

July 1, 2004

BEST AVAILABLE COPY